

## MINUTES

### WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, December 14, 2015, 6:00 PM

**PLEDGE OF ALLEGIANCE** : A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, President; Bill Byers, Amanda Mosiman, Brad Overton, Richard Reid and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Molly Barnhill, staff.

**MEMBERS ABSENT:** Jeff Valiant.

Roll call was taken and a quorum declared present.

**MINUTES:** Upon a motion made by Richard Reid and seconded by Jeff Willis, the Minutes of the last regular meeting held November 9, 2015, were approved as circulated.

The President explained the rules of procedure.

### **SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:**

**PP-15-20 – Victoria Woods II by Aigner Engineering Inc., Jordan Aigner, Pres. OWNERS: Victoria Land Holdings LLC by James G Barnett VP., Roslin Partners II LLC by James G Barnett VP, and Victoria Operations, LLC by James G Barnett V P.** 169.85 acres located on S side of Jenner Rd approximately 0' S of the intersection formed by Baker Rd (W 425) and Jenner Rd (S 150), Boon Twp. Lot No. 1, in Victoria Woods Subdivision, Pt Lot 1 Amended Plat of Lots 1 and 3 Victoria National Golf Club Minor, Outlot A in Cottages at Victoria PUD Section 1 and Pt SW Boon 17-6-8. *Complete legal on file. Advertised in the Standard December 3, 2015.*

Jordan Aigner and Nick Cassala were present.

The President called for a staff report.

Mrs. Rector stated we are missing four green cards but we do have the white pay receipts and they were mailed to the correct address and within the 21 day mailing deadline. She said the property is zoned "C-2" but they will have to abide by residential setbacks if they do a residential subdivision. She said part of the property falls in the 100 year flood plain so any permits will require a certified plot plan showing structures to be 2' above the BFE. She said this is a 3 lot

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subdivision. She said they are not building sites. She said they are dividing this property in order to put it in different corporation names in order to do a subdivision with plans to come back later and do a PUD subdivision plat with street plans, drainage plans...this simply divides the property into 3 parcels. She said the Commissioner ruled no improvements to the existing roads which are Baker, Jenner, and Roslin; and the Drainage Board ruled no drainage plans be required at this time. She said they have a Power of Attorney for Mr. Cassala to represent the owners at this meeting; it is recorded and she has it in her packet. She said it is in order.

Jordan Aigner said to reiterate, they are moving forward with development that will be happening on some portion of those parcels. He said they are also doing wetland permitting right now so some of their plans that will happen internal to the subdivision they have before them may be adjusted some. He said as they submit their secondary plat they will show that for any adjustments that will happen internally. He said that is the only thing that may change. He said hopefully sometime early next year they will bring a development plan with lots and get the ball rolling on a really good development there.

Richard Reid said it is zoned C-2 and we've been finding there is a lot of trouble from having the C-2 and being residential. He asked if they plan to back down the zoning to residential.

Jordan Aigner said yes, he thinks they will do that. He said when they come before them with the next development they will probably be doing a rezoning petition as well.

Richard Reid said a PUD would be great.

Jordan Aigner said that is what it will be.

Mrs. Rector said a PUD is a rezoning that is a classification and they can change it with a "R."

Richard Reid said the C-2 will be a nightmare because of the bank financing.

Being no other questions from the Board and no remonstrators present the President called for a motion.

Richard Reid made a motion to approve PP-15-20. The motion was seconded by Jeff Willis and unanimously carried.

**PP-15-21 - Ray's Manor by Raymond G & Lisa D Hall** 1.41 acres located on the N side of Nester Hill Rd approximately 0' NW of the intersection formed by Nester Hill Rd and Bell Rd ( W 850), Ohio Township. Parcel No 2 in Taylor Minor Sub and Pt NW Ohio 22-6-9. *Complete legal on file. Advertised in the Standard December 3, 2015.*

Bill Bivins and Raymond Hall were present.

The President called for a staff report.

Mrs. Rector stated we have all return receipt except for one from Robert T. Owen; they were mailed within the 21 day deadline. She said the zoning is R-1A which requires 75' at building line and a minimum lot area of 9,000 square feet; and R-1 which requires 60' at building line and a minimum lot area of 6,000 square feet. She said there is no flood plain and this is a 3 lot subdivision. She said the Commissioners ruled no street improvements required and the Drainage Board ruled that there would be no additional plans required. She said Chandler Sewer has lines in place and ready for connection and Chandler Water Chandler has lines in place and ready for connection. She said the proposed development is a 3 lot residential subdivision; Lots 1 and 2 have single family dwellings and lot 3 is a proposed building site. She said the plat is in technical conformity. She added that they are asking for a waiver for no sidewalks which will have to be voted on separately.

The President asked if they had anything to add to the staff report.

Mr. Bivins said there are no sidewalks on Bell Road or on Nester. He said the final plat will show that right now the county has 35 feet of right-of-way on Bell Road but they are going to give 40 feet to give the county an addition 5 feet. He said it is the same thing with Nester; there is 20 feet of right-of-way and they are going to give them 25 feet.

Rick Reid asked which one was zoned R-1 and R-1A.

Mrs. Rector said lot 1 is R-1A and R-1 is the rest of it.

Richard Reid said he suspects that when the county puts in Bell Road they will be installing sidewalks there anyway.

Mrs. Rector said the county has already purchased right-of-way for the expansion of Bell Road and the owner is giving them an addition 5 feet.

Mr. Bivins said that was per request of the County Engineer.

Amanda Mosiman asked if somebody was interested in lot 3 or was this in preparation of.

Raymond Hall said it is in preparation of.

Being no more questions from the Board and no remonstrator present the President called for a motion on the sidewalks. He said he is a big sidewalk pusher but this being only a 3 lot subdivision and in that location and the potential of Bell Road after it's completed he is fine with no sidewalks.

Richard Reid made a motion to waive the requirement for sidewalks. Amanda Mosiman seconded the motion and it was unanimously carried.

The President called for a motion for the plat.

Amanda Mosiman made a motion to approve PP-15-21. The motion was seconded by Brad Overton and unanimously carried.

### **OTHER BUSINESS:**

**Formal Complaint:** Leland & Billie Jean Powell ~ property located at 221 Third Street, Lynnville, IN ~ outside storage not enclosed within a solid fence in an “M-1” Light Industrial zoning district. Possible Junk/Salvage yard in an “M-1” Light Industrial zoning district. Cease and desist letter sent November 18, 2015.

The President asked if the Powell’s were present. Seeing no one present the President called for a staff report.

Mrs. Rector said a complaint was filed November 10, 2015 stating “several inoperable vehicles. No solid fence. Is in a M-1 needs to be in a M-2.” She said they submitted pictures with their complaint which is in the Boards packet. She said the zoning inspector visited the site on November 17<sup>th</sup> to take pictures and said there were “Lots of misc. cars not plated. Junk, trash throughout lot.” She said we sent the owners a letter notifying them of the violation and that “all uses in the M-1 district shall be conducted wholly within a completely enclosed building except for on-site parking and other uses which are incidental thereto. The photos show a sign “Lynnville Storage” on the building. A storage facility is a permitted use in the C-4 zoning; however, all outside storage must be enclosed in a solid fence not less than 6 feet high. If the un-plated cars located on the property are owned by others and you are being paid to store them on this property then you must enclose the property with a six foot solid fence.” Mrs. Rector stated Leland Powell called the office and said most of the stuff is already gone, they will continue to clean it up, and they plan on putting up the rest of the fencing. She said he also stated that he will be out of town on the night of the meeting and will be sending his son to represent him. She said Dennis Lockhart, the zoning inspector visited the site again on December 8<sup>th</sup> and stated “This site has been cleaned up. Looks a lot better than it did.” She said he took more pictures and they are included in the Boards packet. She said as they can see all of the old cars are gone now and she thinks he has made great progress.

Dennis Lockhart said they are still cleaning.

Mrs. Rector said so they are still cleaning it up. She said they have in their packet a letter from Mrs. Horn who filed the original complaint that states basically that she is still not happy with it as herself and as a town council member but she would not be able to be at the meeting tonight so they can read what she says. Mrs. Rector said in her opinion he has made great progress and they could do an inspection in a month or two to check on the fencing.

Dennis Lockhart said he agrees.

The President said the pictures look good to him; what would the Board like to do.

Amanda Mosiman said the fence still has to be erected.

Dennis Lockhart said it is almost finished.

Jeff Willis asked if it would be a solid fence. He said he has a question on the M-1 because in M-1 everything has to be enclosed in a building except for parking which is incidental to the business however; in the special use it says that outside parking does not need a special use in the M-1. He asked if he would need to be enclosed to have parking in an M-1.

Mrs. Rector said she thinks if he is just storing he wouldn't but in the letter and it didn't state in the staff report, in her opinion he was originally falling under a junk/salvage yard with all of those old cars and it needs to be enclosed and that is where you need a solid enclosed fence. She said but if he just has a couple of cars with a storage thing there then he doesn't need a solid fence.

Dennis Lockhart said the fence that he has up there is new and is webbed so you cannot see through it.

Amanda Mosiman said that he has made every effort in a short amount of time, even if the fence isn't done so she is okay with it. She said we need to make sure he gets the fence done; if he is almost done then give him a month. She asked Dennis how much of the fencing was done.

Dennis Lockhart said the fence is done in the back part of the building; he is not putting any up in the front part because there are no cars being parked up there, just employees.

Amanda Mosiman said she guesses Dennis can go up there and take pictures and if the fence is done...

The President said Dennis just said the fence is done; there is the existing fence in the front and the pictures show the new fencing. He asked what the Board would like to do.

Amanda Mosiman said she'd move to deem him no longer in violation. The motion was seconded by Brad Overton.

Bill Byers asked if we should attach a re-inspection to that.

Amanda Mosiman said if the fence is complete and the junk is gone then he is no longer hitting any points.

The motion was unanimously carried.

**Discussion:** Thomas Key, 1311 & 1333 Lover's Lane

Mrs. Rector stated a complaint was filed on this property a few months ago, the Board ruled it a violation, however the house on this property, and she is not here to discuss just this property, just property in general it has fallen in. She said Morrie had it scheduled for court and they had it continued because they had a question on the Planning Commissions role of blighted homes, homes that are falling in such as this so court was put off until January. She said she asked Sherrie and

Terry to be here tonight; they are part of Boonville Now and have been working very hard with the county with the Blighted program and they have approached Mr. Key regarding this program. She said that is why she asked then to come and for Dennis Lockhart, the Building Inspector because he is the one that condemns buildings not the Planning Commission, we do not have the authority to do that. She said in the meantime, Sunday she was reading the Courier and Press about homes in Evansville and this new law that is coming into effect in 2016, so she emailed Morrie and asked him to review it. She said so he has looked it up and will explain it to the Board. She said again she is not referring specifically to this piece of property. She said she has never thought it was the Planning Commissions place to determine whether buildings....and we don't have the means to tear them down, haul them off, we don't have the means to do this and it is not a planning and zoning issue. She said the County Commissioners passed an Ordinance a few years ago about unsafe buildings and it follows State Statute, which is how you are supposed to do it, however, the County Council refused to fund it so it has died. She said we have never had any means to doing this. She said she talked to Bobby Howard, the County Engineer, who as you know in the past they have gone and cleaned up properties like this, but not houses that have fallen in with basements under them, wells running through the property; the highway department does not have the means to do this either, and shouldn't with the safety issues that are there. She said so she has asked for them to be here and for Morrie to explain this new law.

Morrie suggested hearing from them first.

Sherrie Sievers and Terry Phillippe approached the podium. Sherrie said she is the Design Committee Chair for Boonville Now Blighted Program.

Terry Phillippe said he is with Boonville Now and is the president of the organization.

Mrs. Sievers stated she has spoken with Mr. Key. She said she has given the Board a score sheet for a site evaluation metrics for blighted property; the higher the score the worse the property and Mr. Key has the highest score they have worked with in the Blighted Program. She said they have \$25,000 set aside for Mr. Key to tear his house down; he has already been approved. She said she has approached Mr. Key about it, he said he had to talk to his girlfriend about it and would get back with her; she has never heard from him. She said there were several complaints from properties around there; she thinks Mark Hendrickson hand delivered several, at least five complaints about it. She said it is a very dangerous property; it continues to fall. She said her concern about it is safety; there are little children that live next door to this property. She said what if a little child gets in that house, God forbid and the house comes down; there are several wells on the property. She said they are here to help Mr. Key; they have \$25,000 already approved for his property. She said it is a volunteer program; they cannot force anybody to be in the program. She said the thing with this program is that he can maintain ownership of it. She said it is a three year program with \$25,000 set aside for it, there was a 10% match but that has already been made, once the property gets tore down Mr. Key would need to mow it and make sure his taxes are paid on it. She said the good news on that is they started this in February 2014 so they are almost one year through the program so if they get him on board with it there are only 2 more years that he has to comply with mowing it. She said at no point does the State or anyone take ownership of that property unless he doesn't comply with their rules and guidelines which are pretty lenient. She said most houses get a \$15,000 budget to work with but because he has a basement he qualifies for \$25,000. She said just being around the edges of excavating she can tell them it will take every dime to clean it up. She said they want to

help in any way that they can. She said they know money can be a big issue but it's not here if Mr. Key would comply.

Richard Reid said it is a great program and they really need to get that house torn down because it is a safety factor.

Mrs. Sievers said it is moving quite a bit.

Dennis Lockhart said yeah, this summer it has caved in quite a bit.

Mrs. Sievers said and they have little kids across the street.

Dennis Lockhart said they have a pit bull, he found that out.

Amanda Mosiman said lets not start debating dog breeds.

Attorney Doll said currently the APC has a pending lawsuit against Mr. Key on this property in Superior Court 1. He said they are due in court again on February the 18<sup>th</sup> at 2:00. He said they have charged him with maintaining a public nuisance and operating a junkyard in violation of the zoning restrictions. He said initially there was some thought that this property was within the confines of the jurisdiction of Boonville but come to find out it's not. He said they continued this to February to give Mr. Key some time to think about what to do with this property. He said he has no confidence that he will do anything voluntarily. He said it is not within their ability to compel him to participate in any program such as tearing it down even though the property has to be worth more cleaned up than in its current condition. He said that's not a remedy their action could bring against him; there is always the possibility that if they pursue him then he'd come to the realization of participating in the program makes sense as compared to being fine for up to \$300 per day that the violation continues to exist. He said but he cannot link the two together or recommend anything like that to Mr. Key. He said perhaps if Boonville Now's representatives were at the hearing on February 18<sup>th</sup> at 2:00 in the ancillary court room at the top floor of the Judicial Center there might be an opportunity to talk with Mr. Key at the point he is going to be asking the Judge to hear evidence to determine what they are going to do and what the fine might be, and he might be agreeable with the blighted organization. He said he is the only property owner; the girlfriend is not on the property and in fact unless there has been a reconciliation they are not a couple but that is antidotal. He said in the last session of the General Assemble Senate Bill 415 became Public Law 247 which is a state wide blight elimination program. He said it allows counties cities or towns to do a whole bunch of things; for example if there is abandoned or vacant property they can adopt an ordinance forgiving for a period of time property taxes on the property to give encouragement to someone to rehabilitate that property. He said it also allows them to create by ordinance a Local Standards Building Authority which is another agency which then conducts hearings to determine if properties are vacant, abandoned, or blighted. He said if a property is found by the Board to be blighted and it's property taxes are unpaid then the county is permitted to sell the property. He said instead of a standard tax sale which has a 1 year redemption period the blighted sell would have a 90 day redemption period to get it off the books as quickly as possible and get it torn down faster. He said the county can acquire title to these blighted properties just as they can on a tax sale so if it doesn't bring a sufficient amount at the sale to cover costs they can do that; what the Commissioners would do with that he does not know. He said there is due process requirements; a hearing, a determination that the property is

vacant or abandoned, a non-payment of taxes, he is sure there is an appeal process, they'd have to give notification of unsafe building findings to the property owner, there could be civil penalties for maintaining an unsafe property, etc. He said there are various implementation dates but part of this is implemented now since July 1<sup>st</sup>, and some of it is delayed. He said this creates a mechanism should Warrick County decide to do so to implement a blight program. He said it creates a mechanism that would allow Warrick County, by State Statute, create an ordinance and a Board and implementing this and going forward. He said occasionally they have sent him to court and the property could be determined to be a blighted property but most of the time what he goes to court for he doesn't think would be found to be abandoned or vacant therefore wouldn't meet the definition of blighted property. He said the Key's property is probably the first one in his tenure as council, which he thinks would meet this definition if Warrick County had an ordinance.

Jeff Willis asked if he was current on his property taxes.

Attorney Doll said he meant to look that up before he came.

Mrs. Rector said she thinks he is.

Mrs. Sievers agreed.

Attorney Doll said so as a consequence of that it would not fall under the definition of a blighted property; it could be abandoned, vacant, but if he keeps paying those property taxes this ordinance wouldn't help even if we had it.

Mrs. Rector asked Dennis Lockhart what his role is in properties like these; what authority does he have.

Dennis Lockhart stated he doesn't really have any authority. He said he can condemn it but if there is no money there...

Attorney Doll said he could determine it is unfit for human habitation.

Dennis Lockhart said that is right.

Attorney Doll said but he doesn't have the authority....well at least nobody has been enforcing those determinations.

Dennis Lockhart said that is right.

Attorney Doll said he doesn't know how many properties they have that are eligible.

Mrs. Sievers said they have 62 properties and have obtained 1.3 million dollars. She said that is within Warrick County; Newburgh, Boonville, and within the county. She asked if the property taxes are current then they would not be able to call the property blighted.

Attorney Doll said that is if we had this ordinance. He said if we enacted a local ordinance according to Public Law 247 and created a Blight Elimination Program for Warrick County, it would require a



local Building Standards Authority to determine that the property is abandoned or vacant and he is not sure what the difference is, and nonpayment of taxes have occurred on the property as well.

Jeff Willis said then they have the 90 redemption period for the tax sale, is that right.

Attorney Doll said they do not call it a tax sale. He said it is a blighted property sale; instead of the Auditor it is done by the Treasurer so it is different and they have a 90 day redemption period instead of the longer redemption period.

Amanda Mosiman said so if all of those things have occurred, since he is current pending the outcome of the court case if he was not somehow paying his court costs that would get the “and” part, correct?

Attorney Doll the local building standards hearing authority has the ability to access a civil penalty for violation and that would be a nonpayment of a penalty which could trigger it to be...

Mrs. Rector said but they would have to create the Board first and there would have to be funds in there to remove the dwelling or whatever it is and it doesn't exist and she doesn't think it is going to.

The President asked if the Board could be created and work with an organization such a Boonville Now to get the funding.

Attorney Doll said there is nothing in 247 that requires the money to come from Warrick County. He said it doesn't do any good if we don't have the money to tear it down but it doesn't say the county has to be the source of the funds; in fact the money Boonville Now has received is part of a grant from the Hardest Hit Fund which was originally designed to save homes in mortgage programs and Indiana didn't do well with that program, not a lot of people took advantage of it. He said they had 222 million dollars, and they only release 75 million and Warrick County is getting...

Mrs. Sievers said 1.3.

Attorney Doll said of the 75 million. He said so that is how that is funded. He said it is a government grant that was federal money originally that went unspent and now is being used the eliminate blights.

Bill Byers asked Mrs. Sievers if she was in communication with Mr. Key.

Mrs. Sievers said she has communicated with him one time when she went out to the property. She said she had tried to get in touch with him through one of his sons that she knows but was unsuccessful but she seen him at his property and she stopped and talked to him. She said she spoke for about a half an hour and he was very cordial and he told her everything she wanted to hear but has never fallen though on it.

Bill Byers said he is wondering if they explained to Mr. Key all of the ramifications here and tell him that they have money here to solve all of his problems.

Mrs. Sievers said she did explain it to him. She said she told him that he had already been approved.

Bill Byers asked if they think they can clean it up for \$25,000.

Mrs. Sievers said \$25,000 is all that they can get and she thinks it will be enough but it is going to take every penny of it. She said there is a couple of open cisterns and stuff and that money can be used for those but the only thing they can't do is take care of the mobile home because it is not on a block foundation so it does not qualify.

Mrs. Rector said her point is this, all of those homes they have that are out there in the county; we would be doing nothing but taking in complaints about abandoned homes and she does not think it is their job. She said they need structural engineers and knowledge about this sort of thing. She said we don't have the funds if a person can't remove the dwelling we don't have the funds to do it and the highway department is not qualified to be demolishing buildings, they don't have the equipment, where are they going to take it to, if there is asbestos or anything like that; they can't do it. She said they are going to have to come to a conclusion to how far the Planning Commission can take them; which ones go to the Commissioners and which ones can be taken care of because that is not their jobs. She said just like this one, what can be accomplished in court because we don't have any way to clean it up or the funds. She said the only thing that could happen is he would show up and agree to do it. She said anything can be a public nuisance.

The President said technically Boonville Now can't do anything unless he signs.

Mrs. Sievers said they are volunteer only. She said the only other way is if this program they were speaking of they could transfer ownership to the county, the county could deed it to Boonville Now because they are nonprofit, they could clean it up, and then deed it back to Mr. Key.

Mrs. Rector said well we can't make him so what are we going to do with this.

Amanda Mosiman said so we are sitting here hoping that he takes advantage of this.

Mrs. Rector said yes so what do we do; should they drop it or go ahead and take him. She asked what they do if the judge says they think it is in violation as a public nuisance.

The President said because all of the others have just been trash and they have cleaned those up. He said they have taken their loaders in, went to the dump yard, they have hauled off cars. He said we have never done demolition and Bobby Howard says safety wise we don't want county workers out anyway.

Jeff Willis asked if the fines were attached to the property or to him.

Attorney Doll said probably to the property.

Mrs. Rector said it would be a lien on the property.

Amanda Mosiman asked how old this individual was.

Mrs. Rector said he is 65.

Amanda Mosiman said okay, if he takes advantage of this would the best thing be to drop the legal suit.

Attorney Doll said no, his recommendation would be to pursue the legal suit, invite Boonville Now to be at the hearing, have a candid conversation with Mr. Key about his options in which he informs him that he has the authority to ask the judge to find it to be in violation of the zoning ordinance for which a fine of not more than \$300 per day could be assessed against the property and maybe he will have a moment of clarity and decide to participate. He said the option they have too is, in these cases they have gone to court and gotten \$23,000 judgements on these properties in fines. He said he is thinking of one outside of Chandler.

Mrs. Rector said and he is dead and they will never get it.

Attorney Doll said he knew that but that is a judicial lien that clouds title to the property, you can foreclose judicial liens which results in a sheriff's sale. He said you won't get the \$23,000 but you might put the property back in to circulation.

Mrs. Rector said she doesn't think they want to get into foreclosures and forcing people out of their homes either.

Attorney Doll said he understands that but in this particular case...

Discussion ensued.

Amanda Mosiman asked if Boonville Now had all of their preliminary things so all he has to do is sign on the dotted line and mow it for two years.

Mrs. Sievers said yes. She said what happens is if he doesn't then that money will be transferred to another property because that money has to be used; we have two more years and if it hasn't been used it goes away.

Mrs. Rector asked how long does he have to agree with them.

Mrs. Sievers said as soon as possible because there is a lot title work and paperwork that needs to be done.

Brad Overton said so he could technically come into compliance with all of the junk and then they are left with the house and the garage.

Mrs. Rector said yes.

Brad Overton said so that part we could only get him to get the trash out but it would still be a public nuisance and we are left with a very unsavory property.

Attorney Doll said he has little confidence that that will happen.

Brad Overton said from the perspective from the Council, he picks up the trash, but you still have a condemned building, what would happen then.

Attorney Doll said nothing would happen.

Brad Overton said lets expand; if it's deemed as uninhabitable, and lets say there was funding there to demolish this house, what would you need to get to that point.

Attorney Doll said his advice would be they seek a court order for demolition but you wouldn't do it administratively you would take the finding that the property is condemned as uninhabitable and you would file a complaint in superior court probably asking for a court order to bring it into compliance or for an order that the county be given the authority to tear it down.

Mrs. Rector said she thinks they would have to enact the unsafe building in Indiana Codes, which is the Commissioners, they would have to pass the ordinance then the County Council would have to fund it, say \$20,000 a year.

Brad Overton said that is his question because there are some things he would vote to defund versus something like this because some stuff he doesn't think is their business to do where as something like this...

The President asked if it has to be funded if they have an organization like this that can get the funds for it.

Brad Overton said this goes away so where he is at is what would be a dollar amount. He said maybe we could do one a year.

Attorney Doll said the cap on this program is \$15,000 for a property unless it has a basement, then they could get an additional \$10,000.

Mrs. Rector said if they could get \$25,000 at least take one down a year.

Brad Overton said right, but that would only cover demolition but what about the legal fees and all of that.

Attorney Doll said the county attorney would be the one to pursue it.

Mrs. Rector said it is set up by Indiana Code; you have a Board, he would condemn it, you notify that person that it is unsafe, they come and you have a hearing where they could appeal to the Board of Zoning appeals, our Board, then it gets settled in court also.

The President questioned that the BZA handles the appeal.

Mrs. Rector said yes, at least that is how it used to be set up.

Attorney Doll said it is not in the new one.

Brad Overton asked if some entity could come back with a ball park figure so if he is going to go to bat for something he knows where he needs to get to to win. He said right now he has no idea, they are just saying it is not funded. He said but if they could this would cost \$35,000, and maybe it's only one thing at a time but that is better than none. He said give him something where he could compare these two things, and he know it's not this Board, but since we are on it... He said so maybe \$25,000 for tearing it down, and then attorney fees, so if somebody could put some figures together for him within the next 60-90 days then he is all about going to bat for things with the Council.

Attorney Doll said the people who have the most knowledge in Warrick County are standing in front of him and he doesn't know how many homes they have already demolished...

Mrs. Sievers said they are getting ready to start on the first six.

Attorney Doll asked if she knew what the bids have been.

Mrs. Sievers said some of them. She said but it is federal and state funded money so like everything else everybody has their hand in the till. She said like they went at one for environmental where she thought they'd be looking at asbestos but it was not the case; they were looking for raccoon droppings and mercury levels from the thermostat and that's \$250 for that company to do 62 of our properties and they are not even from around here. She said that comes out of the \$15-25,000 so everybody wants a piece of the action.

Attorney Doll said they would probably have the best knowledge of what it is. He said the maximum amount the state will let them spend is \$15,000 on a home without a basement and it doesn't matter if it's a two-story or three-story or whatever.

Mrs. Sievers said there is an additional \$3,000 that they could tap into without a basement.

Brad Overton so he could put an estimate at \$25,000 and he is assuming that this Board would probably have to have an attorney.

Attorney Doll said it would be the county's attorney.

Brad Overton said he would probably charge extra for that.

Attorney Doll said he does not know what his contract looks like.

Richard Reid said you also get something back when you sell that lot.

Mrs. Rector said it has been years since the Commissioners asked the council for this and they haven't approached them about it now so they might be for it.

Jeff Willis said they had 62 houses that volunteered for this program so how many people said no.

Mrs. Sievers said they had one that is over by Walmart that is owned by a group of doctors that says Satan lives here. She said there is water in the basement and it's a shamble that is next to the church and they chose not to participate.

Mrs. Rector said like them somebody could file a complaint and we'd be here on that.

Jeff Willis said so we have two properties in Warrick County that.....and if property taxes are being paid on this one I assume they are being paid on that one.

Mrs. Sievers said yes.

Jeff Willis said so it wouldn't work under that program so it would have to be something more enforceable.

Richard Reid said on that one if you tore that building down you could make a lot of money on that lot.

Mrs. Sievers asked Attorney Doll if there was any sort of safety law that could be imposed on the property owner.

Attorney Doll said we are always responsible for the condition of our property and if it's an attractive nuisance and a child get hurt then we are responsible but he is assuming this property does not have insurance and on the property we are talking about he is judgement proof so from his point of view he does not have anything to loose.

Brad Overton asked if we did condemn something and then nothing happens to that property would the county be liable for it.

Attorney Doll said we have talked about that and it does concern him. He said if the county does determine a property is condemned and we take no further steps to remedy that then we might assume liability and if a child then gets hurt he is sure the county would be sued.

Brad Overton asked if something as small as a fence going up on the property help that.

Attorney Doll said yes.

Mrs. Rector said we are talking county not us.

Attorney Doll said yes the county. He said he doesn't know if there are any properties that are listed as condemned.

Dennis Lockhart said he has been told not to condemn anything.

Attorney Doll said that is not bad advice.

Mrs. Rector said so we are going to court and we will see what happens and after that the Board will have to decide what to do from there.

Jeff Willis asked if the fines would be imposed on the next court date.

Attorney Doll said we could go forward with an evidentiary presentation at that time and ask the judge to make a finding based on the photographs that the property is in violation as a public nuisance and a junkyard and ask him to assess a \$300 per day fine. He said previously the courts find all of that to be true but then give them another month to try to rectify the problem, and they have had that happen where they do get it cleaned up, but the court will work with them and delay the imposition of the fine but we have never had a property like this. He said this is a structure issue and those were all trash issues.

Amanda Mosiman stated she has another meeting to be at so if they don't need her she needs to go. She left the meeting.

Bill Byers asked how long the house had been like this.

Mrs. Sievers said it continues to deteriorate. She said from the time they first took pictures last year to now the house has moved quite a bit.

Attorney Doll said it is falling in on itself.

Terry Phillippe said it was their highest scoring property in February of 2014.

Dennis Lockhart said so basically unless we get this guy to agree to their program we are stuck.

Jeff Willis asked if we could move for the judgement, get the judgement and the \$300 per day clock ticking...

Attorney Doll said he could file a motion to foreclose the judgement, take it to sheriff's sale, get title to it and tear it down, but we would have to do it quickly because there is only a limited time period that this program is going to exist.

Mrs. Sievers said if they are successful with that the \$300 per day would be a lien against the property, would they remove that lien.

Attorney Doll said the Board would have to instruct him to do that.

Mrs. Rector said she does not think we are into foreclosing...

The President said he thinks that would be going beyond what they are doing and they are just doing trash.

Attorney Doll said then he is not sure he would be given authority to do that.

The President said he is not sure they could continue on. He said they are not in the blighted program; he likes it and it is a great idea but it is not the Planning Commissions job.

Mrs. Sievers said she understands.

Mr. Phillippe said he wanted to say that the 1.3 million dollars has been awarded and they are not taking in any more properties; the list is there. He said he heard some comments that seemed like there may be room to move other properties and there is not.

The President said so they are under the crunch of getting them all torn down in two years.

Mr. Phillippe said yes. He said Boonville Now had a program called the Balance Program and it is similar to the Blight Elimination Program that this federal money funded; the federal money did super charge their program so they could get 62 houses. He said they will continue the Balance program in the future with a very generous small interest loan they can probably only do a couple houses at a time. He said in the Blight Elimination Program this gentleman or any person who is on the list who hasn't yet signed has the option, if they do not want to keep that property they can turn it over to them as a non-profit organization and walk away. He said in the new law Attorney Doll just explained, it sounds like to him the only usable part of it was the 90 day redemption period; can the county use that 90 day redemption period without having to form the new Board.

Attorney Doll said no. He said this bill is about 50 pages and he has only read the digest but he is positive that the 90 day redemption period is only applicable if you have it declared as a blighted property.

Mr. Phillippe said thank you for having them there and if they have any questions or need anything they are happy to help.

Attorney Doll asked if they have shared the list of the 62 properties with Mrs. Rector.

Mrs. Sievers said she does not think so.

Attorney Doll said the reason he is asking is because if they had that list and a complaint was filed on one of the properties then they wouldn't have to waste any time on a cleanup if it on their blight list.

Mrs. Sievers said she will email that to Sherri.

### **ATTORNEY BUSINESS:**

The President asked about the Asher property.

Attorney Doll said they asked the court to dismiss the case as it is no longer in violation and the judge granted it.

### **EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Rector said she emailed Morrie because she forgot to put it on the agenda, to redo his contract for 2016. She said it is the same as before, same conditions, it is for 2 years, and instead of just saying Morrie, it is his law firm, Doll Sievers, so if his son needs to come then he can and it is the same dollar amount that the County Council approved for next year and the following year.



Brad Overton made a motion to approve the contract. The motion was seconded by Bill Byers and unanimously carried.

Mrs. Rector said you guys remember Arbor Pointe. She said as the Executive Director she can approved minor changes. She said what they are wanting to do is move the south property line up 20 feet from what was approved on the plat, which will move the a garage building. She the dog park will move where the legal drain is but we don't do anything with dog parks anyways and then...Molly since you talked to Jim about this will you come up here.

Molly Barnhill said he wanted to take out the medians in the entrances and he wanted to change the layout for the trash dumpster area.

Jeff Willis said he remembers that being part of the discussion.

Mrs. Rector asked where they wanted to put it.

Molly Barnhill said here is the original. She said he took out some parking spaces and created a little lane to pull up next to it.

Mrs. Rector said but it is still there in the same location.

Molly Barnhill said yes; it is in the same location.

Mrs. Rector said okay because the woman who complained did not want the trash up here so it will still be on the south side.

The President said so all of these people will have to come down here to dump their trash.

Mrs. Rector said yes that is what they have. She said so do they think these are minor changes and it is okay or do they need to refile a plat and have public hearings and all of that.

The President said he thinks is it insignificant and in conjunction with what they are doing.

Bill Byers asked to see the changes.

Jeff Willis said it seems pretty minor; they are not adding a new apartment building or anything.

Mrs. Rector said no, just moving it around; moving the dog park, a parking garage, tilting the dumpster, and removing medians.

The President said Bobby probably didn't like the medians anyways.

Bill Byers said that seems pretty minor to him.

Discussion ensued.

Being no further business the meeting adjourned at 7:15 p.m.

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Guy Gentry, President

ATTEST:

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Sherri Rector, Executive Director